

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARLOS A. ORTEGA,

Plaintiff,

v.

A. FLORES, et al.,

Defendants.

Case No. [19-cv-00319-HSG](#)

**ORDER DENYING POST-JUDGMENT
MOTIONS**

Re: Dkt. Nos. 72, 76, 77, 78

Plaintiff, an insanity acquittee at Napa State Hospital, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On July 26, 2023, the Court granted Defendants' motion for summary judgment, finding that this action was untimely, and entered judgment in favor of Defendants and against Plaintiff. Dkt. Nos. 70, 71. On August 9, 2023, Plaintiff filed three notices of appeal. Dkt. Nos. 73, 74, 75. Since judgment was entered, Plaintiff has also filed the following post-judgment motions: a motion for an extension of time to file his notice of appeal, Dkt. No. 72; a motion requesting copies of original papers and exhibits filed in the district court, any transcripts of proceedings, and certified copies of pleadings, Dkt. No. 76; a motion requesting the reporter's transcript, Dkt. No. 77; and a request for leave to proceed *in forma pauperis*, Dkt. No. 78. For the reasons set forth below, the Court DENIES these post-judgment motions.

Dkt. No. 72, Request for an Extension of Time to File Notice of Appeal: Plaintiff's request for an extension of time to file his notice of appeal is DENIED as moot. Plaintiff's notices of appeal, appealing the Court's July 26, 2023 order and entry of judgment were timely filed on August 9, 2023. *See* Fed. R. App. P. 4(a)(1)(A) (requiring notice of appeal to be filed thirty days after entry of judgment or order appealed from).

Dkt. No. 76, Request for Copies: Plaintiff's request for copies of original papers and

exhibits filed in the district court, any transcripts of proceedings, and certified copies of pleadings is DENIED. The Court does not provide courtesy copies of pleadings or the record. If Plaintiff wishes to obtain copies of the record, he may request copies using the Court's photocopy form which will be sent to him under separate cover. There are no transcripts in this case because there were no court proceedings. The Court does not provide certified copies of pleadings. To the extent that Plaintiff is seeking to collect these documents to provide to the Ninth Circuit in support of his appeal, Plaintiff is informed that the record in this case, i.e., the pleadings and exhibits filed in the record, are already part of the appellate record and need not be provided separately by the appellant, with the exception of certain circumstances inapplicable here. *See generally* Fed. R. App. P. 10.

Dkt. No. 77, Request for Reporter's Transcript: Plaintiff's request for the reporter's transcript is DENIED as moot. There is no reporter's transcript in this case as there were no court proceedings.

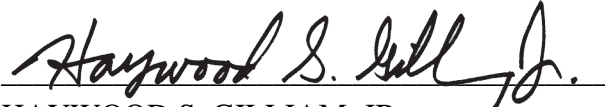
Dkt. No. 78, Request to Proceed *In Forma Pauperis* on Appeal: Plaintiff's request to proceed *in forma pauperis* on appeal is DENIED. The Court finds that the appeal is frivolous and therefore leave to proceed *in forma pauperis* on appeal is DENIED and Petitioner's *in forma pauperis* status is REVOKED. *See* 28 U.S.C. § 1915(a)(3).

The Clerk shall transmit a copy of this order to the Ninth Circuit Court of Appeals.

This order terminates Dkt. Nos. 72, 76, 77, 78.

IT IS SO ORDERED.

Dated: 9/27/2023


HAYWOOD S. GILLIAM, JR.
United States District Judge